



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

June 20, 2018

BY ECF

The Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: ***United States v. Erick Nunez, 10 Cr. 905 (LTS)***

Dear Judge Swain:

The Government writes in advance of the sentencing presently scheduled for June 28, 2018 at 11:00 a.m. in the above captioned case. The defendant has requested an adjournment until after the sentencing in the related New Jersey case, presently scheduled for November 16, 2018. The Government objects to such a lengthy adjournment.

In the conference before the Court on April 20, 2018, Mr. Nunez pled guilty to specifications 3 and 5. The sentencing on the violation is separate and not dependent on any sentence imposed by the New Jersey state court. Based on discussions with the state prosecutor, the Government understands that the defendant is likely to receive a non-custodial probationary sentence in the New Jersey proceeding. By contrast, the Guidelines range for Specifications 3 and 5 are, respectively, 21 to 27 months' imprisonment and 8 to 14 months' imprisonment.

The sentencing date on this violation was initially set with reference to the date of New Jersey sentencing, as we were mindful of a sentencing date that might render Mr. Nunez unavailable for his next New Jersey court date. However, in light of the lengthy adjournment in the New Jersey action, and because of the distinct considerations in sentencing on the violation, the Government respectfully objects to the defendant's adjournment request.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By:

Mollie Bracewell
Assistant United States Attorney
(212) 637-2218

cc: Michael Gilbert, Esq. (by Email)